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In re Application of
FUKADA, Hiroyuki
Application No.: 09/926,335
PCT No.: PCT/JP01/00845
Int. Filing Date: 07 February 2001
Priority Date: 14 February 2000
Attorney's Docket No.: 214935US2PCT
For: FADING PITCH DETECTION
APPARATUS AND METHOD . . .

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DECISION

This decision is in response to applicant's "Response to Notification of Missing Requirements" filed on 08 January 2002 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 23 October 2001, applicant purportedly filed documents in the above-captioned application which included an executed declaration.

On 11 December 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) & (b) must be provided. A two-month time period for response was set.

On 08 January 2002, applicant filed the instant petition which was accompanied by, *inter alia*, a copy of the executed declaration purportedly filed 23 October 2001 and a copy of a stamped postcard receipt for the 23 October 2001 documents.

DISCUSSION

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicant must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicant has provided a copy of the date-stamped filing receipt for documents submitted 23 October 2001. The filing receipt records that a "Combined Declaration" was among the documents received in the USPTO. The filing receipt is stamped "98 Rec'd PCT/PTO 23 OCT 2001" across its face. The name of the applicant, attorney docket number, application number, and title are all clearly listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that the declaration and other documents listed above were received by the USPTO on 23 October 2001.

Applicant included a copy of the executed declaration signed by the sole inventor in the above-captioned application which complies with 37 CFR 1.497(a) and (b).


DECISION

For the reasons above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 11 December 2001 is hereby **VACATED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 February 2001, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **23 October 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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